

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVELL LAVY,

Plaintiff,

v.

DENNIS R. McDONOUGH, Secretary of
U.S. Department of Veterans Affairs,

Defendant.

No. 2:21cv-01590 KJM AC PS

ORDER

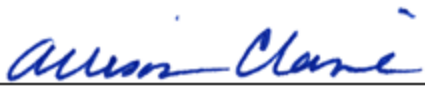
Plaintiff, who has paid the filing fee, is proceeding in this action pro se. The action was accordingly referred to the undersigned by Local Rule 302(c)(21). On December 3, 2021, defendant filed a motion to dismiss. ECF No. 6. Plaintiff has not responded to the motion.

Local Rule 230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Local Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 230(i) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

Good cause appearing, IT IS HEREBY ORDERED that:

1. The motion hearing date of January 5, 2022 is CONTINUED to January 26, 2022, at 10:00 a.m. The hearing will be held via Zoom before Magistrate Judge Allison Claire. Please contact the Courtroom Deputy Jonathan Anderson by phone (916) 930-4199 or by email at janderson@caed.uscourts.gov one day prior to the scheduled motion hearing to receive the Zoom information.
2. Plaintiff shall file an opposition – or a Statement of Non-Opposition – to the motion, no later than January 12, 2022. Failure to file an opposition or to appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

DATED: December 27, 2021


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE